



Caring for an Archeological Legacy: 36 CFR 79 and the Curation of Federal Collections

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Background

- Federal Government cares for more heritage collections and information than any other entity in the U.S.
- Collections date back to 1800s, from Smithsonian Institution, early National Parks.
- Antiquities Act (1906) first codifies government responsibility to care for heritage collections.
- Since then, collections generated as part of AHPA, NEPA, NHPA, number well over 46 million artifacts.
- Many federal collections are in non-federal repositories.

Curation of Federally Owned and Administered Archeological Collections – 36 CFR 79

- Goal: Ensure long-term management and preservation of archeology collections.
- Authorities: Antiquities Act, Reservoir Salvage Act, NHPA, & ARPA.
- Fiscal responsibility.

Full text of rule available here:

<http://www.nps.gov/archeology/tools/36cfr79.htm>

Applicability

- Applies to collections excavated or removed under Antiquities Act, Reservoir Salvage Act, National Historic Preservation Act (Section 110), or the Archeological Resources Protection Act (ARPA).
- “Associated Records” -- data generated as a result of the activities that created the collection.
- Repositories must possess capability to provide adequate long-term storage.

Key Definitions:

- **Collection**
- **Material Remains**
- **Associated Records**
- **Federal Agency Official**
- **Repository**

36 CFR 79 – What it covers

- Management & preservation of collections.
- Methods to secure curatorial services.
- Methods to fund curatorial services.
- Criteria to select a repository.
- Access and use of collections.
- Inspections and inventory.

36 CFR 79 – Current Situation

- Currently no mechanism to dispose of objects no longer of “sufficient archeological interest”.
- Regulation to discard archeological collections proposed in 1990.
- Concerns raised about types of objects to discard, so reg. not promulgated.
- Now are pressures to deaccession.

Deaccessioning - Principles

- Preserve integrity of collections so no loss of value to the federal government.
- Deaccessions must be justified, which requires expert advice from specialists.
- Process must be deliberate, ethical, rigorous, & open with checks & balances.
- Be consistent with federal laws & policies and professional standards, including NAGPRA.

Why a de-accession rule now?

- A response to decreased availability of storage space in Federal Curation facilities;
- A response to increased interest from Federal agencies on de-accessioning;

Proposed Section

- De-accession objects of “insufficient archeological interest”
- Limited in scope to archeological materials of “insufficient archeological interest” that are part of collections owned or controlled by the federal government.

What is Insufficient Archeological Interest?

- *Insufficient archeological interest:* objects lack provenience information, lack physical integrity, or are determined by qualified archeologists to be overly redundant and not useful for research.
- *Examples include:* objects where provenience information on box or artifact labels has been lost or destroyed; soil samples damaged through decay, decomposition, biological activity such as mold or bacterial growth; nails, brick fragments;

How might the proposed rule effect materials of importance to tribes?

- “Cultural Items”, including human remains and associated objects, as defined in NAGPRA are never included in those materials eligible to be discarded.
- Materials from Indian lands (per ARPA) are first offered to tribe or tribes with rights of ownership.
- If they refuse, or if the objects are not from Indian lands, a procedure is established for consulting with experts, including representatives of Indian Tribes.

What happens to de-accessioned objects?

- Objects are de-accessioned, but a representative sample is retained for future research. Records of the procedure must also be kept permanently;
- De-accessioned objects are offered to tribes, other federal agencies, scientific institutions, other institutions for public benefit. If there are no willing recipients, objects are destroyed;
- Procedure for de-accessioning is designed to be flexible for individual agencies while ensuring that appropriate consultation takes place;
- There is an appeal procedure to dispute a determination made by a Federal Agency Official.

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